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PATENT APPLICATION

Our File No.: 20010463.CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Scott T. Latterell, et al. : June 29, 2005
S.N. : 10/657,378 : Art Unit 3739
Filed : February 8, 2003
For : Bipolar Electrosurgical Instrument
For Cutting, Desiccating and Sealing Tissue

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER RULE 1.56

Applicant(s) herein make available to the Patent and Trademark Office a copy of Form PTO-1449 which lists the following document(s), copies of which are enclosed. This Information Disclosure Statement is being filed in accordance with the following provision(s):

- 37 CFR 1.97(b)(1) Within three months of the filing date of the national application. No fee is required.
- 37 CFR 1.97(b)(2) Within three months of the date of entry of the national stage as set forth in § 1.491 in the international application. No fee is required.
- 37 CFR 1.97(b)(3) Before the mailing date of a first Office Action on the merits. No fee is required.
- 37 CFR 1.97(c) After the periods specified in 37 CFR 1.97(b), but before the mailing date of either: (1) a final action under §1.113 or (2) a notice of allowance under § 1.311, whichever occurs first.

[] The undersigned hereby certifies that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; or

[X] The undersigned hereby certifies that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; or

[] Enclosed is a check in the amount of \$200.00 for the fee set forth in 37 CFR § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 08-1265. Two copies of this sheet are enclosed.

[] 37 CFR 1.97(d) After the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee.

[X] Applicant(s) hereby petition the Commissioner of Patents and Trademarks to consider this information disclosure statement. Enclosed is a check in the amount of \$130.00 for the petition fee set forth in § 1.17(i)(1). The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 08-1265. Two copies of this sheet are enclosed.

The listed documents are brought to the Examiner's attention because they are known to the applicant and/or the applicant's attorney and may be considered by the Examiner to be material to his/her examination. This listing should not be construed as representation that a search has been made or that no better art

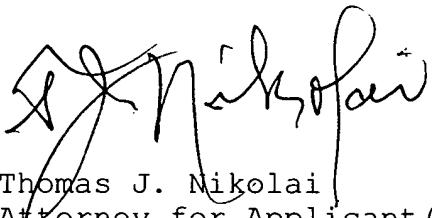
exists. No inference should be made that the documents are in fact material merely because they are referenced herein. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references. Further, by this listing, the applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 CFR 1.104(a). It is requested that the documents listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent issuing from this application (M.P.E.P. 1302.12), and that the Examiner initial and return a copy of the form to evidence consideration of the documents.

Dated: June 29, 2005.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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CERTIFICATE OF MAILING

I hereby certify that the foregoing Information Disclosure Statement Under Rule 1.56, a Form PTO-1449 and a check in the amount of \$130.00 to cover the petition fee to be filed in connection with application Serial No. 10/657,378 of inventors, Scott T. Latterell, et al., filed September 8, 2003, for "Bipolar Electrosurgical Instrument for Cutting, Desiccating and Sealing Tissue" are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 29, 2005.

Amelia J. Rice



Sheet 1 of 1

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| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | Docket Number 20010463.CIP | Application Number 10/657,378 |
| | Applicant Scott T. Latterell, et al. | |
| | Filing Date September 8, 2003 | Group Art Unit 3739 |

U. S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|---------|----------------------|-------|----------|----------------------------|
| | 6,908,463 | 6/21/05 | Michael Treat et al. | | | |
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FOREIGN PATENT DOCUMENTS

| | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | Translation |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Papers, Etc.)

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.